IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.623 OF 1987

S.Lakshminarayan .. Plaintiff.

Versus

The Associated Cement Co.Ltd. .. Respondents.

Mr.G.Vishwanath for plaintiff.

Mr.M.A.Saldanha i/b.Vigil Juris for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th October 2007.

P.C.

. In my earlier orders, including the one dated 18th September 2007, final chance was granted to Mr.Vishwanath to consider the position

in law and take such steps as are permissible therein, if the son of the plaintiff wishes to proceed with the suit. Mr.Vishwanath took time specifically on the last occasion. He was aware that no further extension would either be sought or granted. Prior to the order of 18th September 2007 as well, liberty was granted and the order dated 28th August 2007 speaks for itself.

2. The issue of illness of the plaintiff was a fact mentioned before me as early as on 14th August 2007. Thus, enough opportunities were granted in a 1987 suit to proceed with the same in accordance with law.

3. Now, Mr.Vishwanath once again makes a request that the matter be adjourned because the plaintiff is unable to come and depose before the Court. He is having a psychiatric disorder. Now, the earlier ailment is not mentioned as a ground for adjournment. There is no proper

medical certificate nor are the provisions of law complied with. The practice of tendering some medical certificate across the bar cannot be accepted and encouraged in any manner. If the plaintiff is unable to come and depose before the Court on account of medical reason, it was for the Advocate to have taken necessary steps. Considerable time was given for this purpose. It appears that the matter is being delayed on one ground or the other. Suit is, therefore, dismissed for want of prosecution. No order as to costs.

(S.C.DHARMADHIKARI, J.)